

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re application of:

Norio Chujo et al.

Application No.: 09/930,806

Filed: August 15, 2001

For: Optical Modules and Methods of
Making the Optical Modules

Examiner: Stephone B. Allen

MAR 17 2005

Art Unit: 2878

OFFICE OF PETITIONS

**PETITION FOR WITHDRAWAL
FROM ISSUE UNDER 37 C.F.R. §
1.313(a)**

Attn: Petitions Office

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.313(a), Applicants hereby petition for the withdrawal of this application from issue. This request for withdrawal from issue is being filed in order that references submitted in an Information Disclosure Statement by way of a request for continued examination (RCE) can be considered by the Examiner. The necessity for the instant petition is based on the following course of events:

- On October 5, 2004, a Notice of Allowance was mailed.
- On January 4, 2004, the issue fee was mailed to the PTO.
- On February 28, 2005, the undersigned was informed by the client of references cited in an EPO Search Report. The client has not provided the search report.

Please charge the fee of \$130.00 under C.F.R. § 1.17(h) to the undersigned's
Deposit Account No. 20-1430. Please charge any additional fees or credit overpayment to the
above deposit account, (see Fee Transmittal submitted in duplicate).

Respectfully submitted,



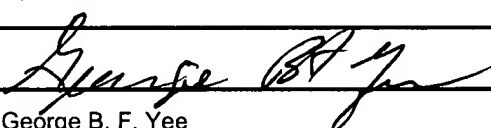
George B. F. Yee
Reg. No. 37,478

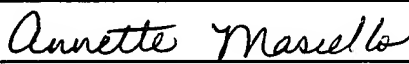
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400 Fax: (650) 326-2422
GBFY:cm

| | | |
|--|------------------------|-------------------|
| TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small> | Application Number | 09/930,806 |
| | Filing Date | August 15, 2001 |
| | First Named Inventor | Chujo, Norio |
| | Art Unit | 2878 |
| | Examiner Name | Stephone B. Allen |
| Total Number of Pages in This Submission | Attorney Docket Number | 16869N-03110006 |

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| ENCLOSURES (Check all that apply) | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard |
| Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|---|----------|--------|
| Firm Name | Townsend and Townsend and Crew LLP | | |
| Signature |  | | |
| Printed name | George B. F. Yee | | |
| Date | March 8, 2005 | Reg. No. | 37,478 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|--|---|------|--------|
| I hereby certify that this correspondence is being hand-delivered via Annette Masiello or Rayline Pettit of Annette Masiello Patent and Trademark Service, addressed to: Commissioner for Patents, MailStop Petitions, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Signature |  | | |
| Typed or printed name | Annette Masiello | Date | 3/9/05 |

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

| | |
|----------------------|-------------------|
| Application Number | 09/930,806 |
| Filing Date | August 15, 2001 |
| First Named Inventor | Chujo, Norio |
| Examiner Name | Stephone B. Allen |
| Art Unit | 2878 |
| Attorney Docket No. | 16869N-031100US |

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-----------------------|----------|-----------------------|----------|-----------------------|----------|----------------|
| | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Small Entity Fee (\$) | Fee (\$) |
|---|-----------------------|----------|
| Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent | 50 | 25 |
| Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**
 _____ -20 or HP = _____ x _____ = _____
 HP = highest number of total claims paid for, if greater than 20
Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**
 _____ -3 or HP = _____ x _____ = _____
 HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**
 _____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

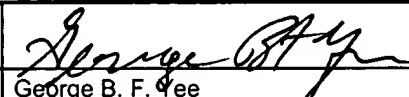
Non-English Specification, \$130 fee (no small entity discount)

Other: Petition Fee

Fees Paid (\$)

130

SUBMITTED BY

| | | | | | |
|-------------------|---|-----------------------------------|---------------|-----------|--------------|
| Signature |  | Registration No. (Attorney/Agent) | 37,478 | Telephone | 650-326-2400 |
| Name (Print/Type) | George B. F. Fee | Date | March 8, 2005 | | |

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

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☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
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For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
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| | Small Entity | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Small Entity | Fee (\$) | Fee (\$) |
|---|--------------|----------|----------|
| Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent | 50 | 25 | |
| Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent | 200 | 100 | |
| Multiple dependent claims | 360 | 180 | |

Total Claims -20 or HP = _____ x _____ = _____
HP = highest number of total claims paid for, if greater than 20
Indep. Claims -3 or HP = _____ x _____ = _____
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Total Sheets - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____
Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

4. OTHER FEE(S)

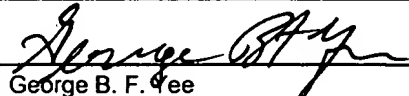
Non-English Specification, \$130 fee (no small entity discount)

Other: Petition Fee

Fees Paid (\$)

130

SUBMITTED BY

| | | | |
|-------------------|---|--|------------------------|
| Signature |  | Registration No. (Attorney/Agent) 37,478 | Telephone 650-326-2400 |
| Name (Print/Type) | George B. F. Fee | | Date March 8, 2005 |